

2017 Regular Session

HOUSE BILL NO. 94

BY REPRESENTATIVES JIMMY HARRIS, LEGER, BAGNERIS, CHAD BROWN,  
GARY CARTER, ROBBY CARTER, COUSSAN, GAINES, HAZEL, HODGES,  
JACKSON, LEOPOLD, MAGEE, MARINO, JAY MORRIS, SHADOIN, AND  
ZERINGUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS/DISTRICT: Authorizes all district courts to establish reentry courts

1 AN ACT

2 To amend and reenact R.S. 13:587.4(A) and 5401(A) and (B)(1) and (2) and to repeal R.S.  
3 13:5401(C), relative to reentry courts; to authorize the creation of a reentry division  
4 in all district courts; to remove the enumerated district courts authorized to create  
5 reentry divisions; to require certain criteria for eligibility and suitability; to provide  
6 for certain requirements of the court; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:587.4(A) and 5401(A) and (B)(1) and (2) are hereby amended and  
9 reenacted to read as follows:

10 §587.4. District courts; specialized divisions or sections; subject matter

11 A. Respecting seniority and the requirement that all cases be assigned  
12 randomly within multi-judge divisions or sections, the judges of any judicial district  
13 court, by rule adopted by a majority vote of the judges sitting en banc, may designate  
14 a certain division or section of the court as a specialized division or section having  
15 criminal, civil, drug court, driving while intoxicated court, human trafficking court,  
16 mental health court, misdemeanor, traffic, juvenile, violent crimes or homicides,  
17 reentry court, or other specialized subject matter jurisdiction.

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## 1 CHAPTER 34. REENTRY COURTS

2 §5401. District courts; reentry courts; subject matter

3 A. ~~The Each~~ district courts court as enumerated in ~~Subsection C~~ of this  
4 ~~Section~~, by rule, adopted by a majority vote of the judges sitting en banc, may assign  
5 a certain division of the court as a reentry division of court. Prior to the creation of  
6 a reentry division of court, each district court shall secure funding to establish and  
7 maintain a reentry division of court. The reentry division of court shall establish a  
8 workforce development sentencing program, which shall establish guidelines for the  
9 issuance of sentences providing inmate rehabilitation and workforce development.  
10 The reentry division of court and sentencing program shall work in conjunction with  
11 the Louisiana Workforce Commission and all efforts shall be coordinated and  
12 consistent with the provisions of R.S. 23:1 et seq.

13 B. Participation in the workforce development sentencing program as  
14 authorized by the provisions of this Section shall be subject to the following  
15 provisions:

16 (1) The court may recommend that a defendant participate in the workforce  
17 development sentencing program if all of the following criteria are satisfied:

18 (a) The defendant meets the eligibility requirements for participation in the  
19 Offender Rehabilitation and Workforce Development Program as provided for in  
20 R.S. 15:1199.7(A) and (C).

21 (b) The defendant meets the suitability requirements as defined by best  
22 practices developed for the Offender Rehabilitation and Workforce Development  
23 Program as adopted by the Louisiana Supreme Court.

24 (c) The court determines that it is in the best interest of the community and  
25 in the interest of justice that the defendant be sentenced to the Offender  
26 Rehabilitation and Workforce Development Program.

27 ~~(c)(d)~~ The defendant is not sentenced to a term of incarceration which  
28 exceeds ten years.

1           ~~(d)~~(e) The defendant shall not have any prior felony convictions for any  
2 offenses defined as a sex offense in R.S. 15:541.

3           ~~(e)~~(f) The crime before the court shall not be a crime of violence as defined  
4 in R.S. 14:2(B), including domestic violence.

5           ~~(f)~~(g) The defendant cannot be sentenced as a multiple offender in the  
6 present charge pursuant to R.S. 15:529.1.

7           ~~(g)~~(h) Other criminal proceedings alleging commission of a crime of  
8 violence as defined in R.S. 14:2(B) shall not be pending against the defendant.

9           ~~(h)~~(i) The crime before the court shall not be a charge of any crime that  
10 resulted in the death of a person.

11           (2)(a) Upon a determination that the defendant meets the eligibility and  
12 suitability criteria provided for in Paragraph (1) of this Subsection, the court shall  
13 advise the defendant that he may be eligible for enrollment in the workforce  
14 development sentencing program.

15           (b) Prior to sentence, the court shall contact the Department of Public Safety  
16 and Corrections ReEntry Services to determine if there is adequate capacity for  
17 enrollment or if bed space is available.

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19           Section 2. R.S. 13:5401(C) is hereby repealed in its entirety.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 94 Engrossed   2017 Regular Session   Jimmy Harris

**Abstract:** Authorizes the creation of a reentry division in all district courts.

Present law authorizes the 1st JDC, 4th JDC, 11th JDC, 14th JDC, 15th JDC, 19th JDC, 21st JDC, 22nd JDC, 24th JDC, 25th JDC, 26th JDC, 32nd JDC, and the Criminal District Court for the parish of Orleans to create a reentry division responsible for developing a workforce development sentencing program with specific qualification and requirements.

Proposed law removes the enumerated district courts that are authorized to establish a reentry division and authorizes the creation of a reentry division in all district courts.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Proposed law requires that each district court secure funding before establishing a reentry division. Proposed law further requires that each district court contact the Dept. of Public Safety and Corrections to ensure that there is adequate capacity for enrollment or if available bed space exists prior to sentencing.

Present law provides that the court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

- (1) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program.
- (2) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.
- (3) The defendant is not sentenced to a term of incarceration which exceeds 10 years.
- (4) The defendant shall not have any prior felony convictions for any offenses defined as a sex offense.
- (5) The crime before the court shall not be a crime of violence including domestic violence.
- (6) The defendant cannot be sentenced as a multiple offender in the present charge.
- (7) Other criminal proceedings alleging commission of a crime of violence shall not be pending against the defendant.
- (8) The crime before the court shall not be a charge of any crime that resulted in the death of a person.

Proposed law retains present law and further requires that defendants meet suitability requirements as defined by the Offender Rehabilitation and Workforce Development Program.

(Amends R.S. 13:587.4(A) and 5401(A) and (B)(1) and (2); Repeals R.S. 13:5401(C))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Requires each district court to contact the Dept. of Public Safety and Corrections to determine if there is adequate capacity for enrollment prior to sentencing.